

OGC HAS REVIEWED.

16 February 1955

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT : Partial Shipment of Personal Effects and
Household Goods and Shipment of Personal
Effects

1. The Chief of Logistics states in his memorandum to you of 27 January 1955 that he concurs with the decision of the General Counsel that the authorities outlined cannot be granted on a blanket basis but must be retained in headquarters. The opinion of this office dated 26 January 1955 stated "We do not think the Agency has the authority to authorize such shipments at Government expense on a blanket basis." This office has not taken any position on whether the authorities could be exercised by headquarters or in the field. It is our opinion that the authorities could be exercised at either point, but, for the reasons given below, should be exercised on an individual rather than a blanket basis. It was the purpose of the previous opinion to indicate that the complexities both from a legal standpoint and from an administrative standpoint were such that no blanket authority to ship household goods and effects could be granted, and, consequently, certain limitations must be established.

2. With respect to transportation of household goods and effects, the Agency has two principal sources of legal authority. The first stems from Public Law 600 and its various amendments, culminating in Public Law 737 of the 83rd Congress which is particularly pertinent. On the other hand, we have the authority set forth in Section 5 of the CIA Act of 1949, otherwise known as Public Law 110. In our view, P.L. 110 is the controlling authority, although we may utilize P. L. 600 since by its terms it is applicable throughout Government, and CIA, unlike the Foreign Service, is not specifically exempted. Under present regulations based on applicable portions of P. L. 110 and P. L. 600, shipments of personal effects as requested by the FE Division are permitted where an administrative determination is made that such shipments are in the best interest of the Government. At the time of our opinion of 26 January 1955, we felt that our regulations were so broad as to raise considerable doubt whether they could be justified on the basis of P. L. 110 and accordingly restricted our discussion to the authorities granted in P. L. 600 and its amendments. Since the date of this opinion, we have discussed the CIA regulation with members of the General Accounting Office. We also note that the

Department of State regulations are substantially the same and are based upon substantially the same legal authority. In view of the inconclusive nature of our discussions with representatives of the General Accounting Office, and in view of the fact that the Department of State vouchers for this purpose have been audited for several years without exception so far as we are aware, we would amend our 26 January 1955 opinion to say that we would have no legal objection to proceeding on the basis of the current Agency Regulation [REDACTED]

The General Accounting Office has not rendered a specific ruling on the Department of State regulation involved. Therefore, it is possible that, if the regulation were examined in detail, the General Accounting Office could well state that the statute was not sufficiently broad to permit such a regulation.

4. In the meantime, it is our opinion that the Agency regulation is proper since it is not as broad as the Department of State regulation. Therefore, in those specific individual cases where it is determined by proper authority, whether in the field or in headquarters, that it is in the interest of the Government, partial shipments of household goods and effects and automobiles can be made either to the United States or to an intermediate storage point as may be appropriate under the circumstances.

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JOHN S. WARNER
Deputy General Counsel

OGC:JSW:jeb

cc: Comptroller
Logistics Office

Legal
Vital
Subject✓
Signer
Chrono